



Department of  
**Environment &  
Conservation**

# Update on Solid Waste Program 2018 Reg Changes

2018 Show of the South

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# Clarifications to Permit –by-Rule Language

- Clarify that owners or operators must operate consistent with their submitted notification, including:
  - The description of the processing and disposal activities conducted and the types of solid wastes handled;
  - The written narrative (how O/O will comply with PBR specific standards - the storage capacity for each unit - any other information deemed necessary); and design plan.
- Provides the authority for revocation of the authorization to operate and denial of an authorization to operate.

# RMPF Exemption

- The intent of this rule change is to develop a “bright line” in determining which facilities are permit exempt Recovered Material Processing Facilities, and which facilities qualify for a Solid Waste Processing permit-by-rule. By incorporating a detailed permit exemption into the rules we better define whether a facility is first of all a RMPF, and whether it is exempt from permit requirements.

# RMPF Exemption

- No fees and no permit or authorizations are being proposed by TDEC.
- RMPFs that handle 100 tons or more per year of “post-consumer” material are already required by rule to submit annual reports (Rule 0400-11-01-.09(5)(c))
- Financial Assurance will be required for those recovered material processors who's commodities processing and/or disposal fees outweigh the value of the material.
- TDEC does not intend to assess financial assurance requirements on municipal/county operations, traditional post-consumer material recovery facilities, or metal, fiber, plastic or similar processing facilities. (detailed policy will be developed with stakeholder input with specifics of financial assurance)

# Financial Assurance for Permit by Rule Facilities

- Remove the 1000 cubic yard exclusion from the PBR financial assurance requirement with an implementation schedule.
- ~~(XX) The owner/operator of a solid waste processing facility which has a solid waste storage capacity of 1000 cubic yards or greater shall file Prior to receiving solid waste for processing, or within 90 days of the effective date of these rules, if authorized and operating on the effective date of these rules:~~
  - I. File with the Commissioner a performance bond or equivalent cash or securities, payable to the State of Tennessee. ~~Such financial assurance is intended to ensure that adequate financial resources are available to~~ in an amount determined by the Commissioner to ~~insure~~ be sufficient to ensure the proper operation, closure, and post closure care of the facility;

# 365 Day Part I/II Submittal Requirement

- Within 1 year of submitting their Part I, applicants must submit either Hydrogeological Report or Engineering Plans (one piece of the Part II application), or they will be required to resubmit the Part I at the time of a complete Engineering Plan submission.
- Require the applicant to resubmit the Part I permit application at the time of the submittal of the Engineering Plans
- Maximum number of Part I submittals will be 2.

# Closure/Post-Closure Renewal

- Require the resubmittal of the Closure/Post-Closure (CPC) plans every 10 years.
- DSWM will be able to update itemized cost estimates which are the basis for financial assurance.

# Closure/Post-Closure Renewal

- (c) Resubmittal of Plan – All Class I and Class II facilities must submit a new closure/post-closure care plan every 10 years from the date of the original permit or most recent permit expansion. The resubmittal of plan will be processed as a minor modification to the facility and must comply with subparagraph (b) of this paragraph. At minimum it must include:
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  - 1. Itemized closure/post-closure cost estimates must be adjusted by recalculating the maximum closure/post-closure amounts in current dollars and taking into account any design changes, new monitoring points and changes in materials.
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  - 2. The phased development plan must be updated and reconciled with the closure/post-closure cost estimate.
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  - 3. Minimum closure areas must be revised or added to reflect planned partial closure of the facility.
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  - 4. A separate itemized cost estimate for long term custodial care activities. This cost estimate is not to be included in the financial assurance amount for the facility.



# Long Term Custodial Care

- Establishes a new definition in rules.
- *“Long Term Custodial Care” means those inspections, maintenance, and monitoring activities necessary to insure that a Class I or Class II facility, which has completed post closure certification, will not impact human health or the environment. The time period used to describe these activities is 50 years from the date of post closure certification.*

# Long Term Custodial Care

- (vi) For Class I and Class II facilities, a description of recommended activities during long term custodial care to inspect, monitor, and maintain the facility. Facilities which utilize synthetic components in the final cover system must include an analysis of the life cycle of such components.

# Annual Engineering Report

- Required every year for all operation Class I and Class II facilities.
- Includes a current survey overlaid over approved final contours
- Calculations of current constructed capacity and remaining volume
- Leachate generation report (Class I only)
- Special Waste tonnage report (Class I only)

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